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2/ The problem here apparently arises from confusion and inconsistency between the bill and one or both of two other bills to amend the Freedom of Information Act; one being H. R. 12080 of December 20 by Congressman Moorhead amending the Freedom of Information Act, the other being H. R. 12135 of December 21 by Congressman Ehrlinborn amending the Freedom of Information Act to require that information be made available to Congress. Section 2 of H. R. 12004 would amend 5 U. S. C. 552 by adding a paragraph (2) to subsection (d) of 552. But there is no subsection (d) at present. In addition, section 3 of H. R. 12004, notwithstanding that section 2 of the bill purports to amend an existing subsection (d), would add a subsection (d) to section 552. A staff member of the Moorhead Committee has advised Mr. O'Neill that in drafting H. R. 12004 the Committee and staff contemplated that the Ehrlinborn bill (H.R. 12135) would be enacted prior to H. R. 12004 and that the amendment of subsection 552(d) by H. R. 12004 assumes the earlier enactment of subsection 552(d) by H. R. 12135. H. R. 12135 does include a subsection 552(d) of Title 5, but that subsection (d) and the proposed amendment of it by H. R. 12004 are incompatible. In a later conversation with Mr. O'Neill, the staff man expressed some doubts on the matter, *and suggested we examine the amendments as are in subsection (d)*. The result of all this is that it is not now possible to determine what section 2 of H.R. 12004 intends. In any event, it appears to be ^a somewhat minor feature of the Moorhead bill.

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